

***Case No COMP/M.5505 -
CELESIO/ PHARMEXX***

Only the English text is available and authentic.

**REGULATION (EC) No 139/2004
MERGER PROCEDURE**

Article 6(1)(b) NON-OPPOSITION
Date: 01/07/2009

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 1.7.2009
SG-Greffe(2009) D/3970
C(2009) 5414

PUBLIC VERSION

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

To the notifying party:

Dear Madam(s) and/or Sir(s),

**Subject: Case No COMP/M.5505 – CELESIO/ PHARMEXX
Notification of 03.06.2009 pursuant to Article 4 of Council Regulation (EC) No
139/2004¹
Publication in the Official Journal of the European Union No C 132,
11.06.2009, p. 18**

1. On 03.06.2009, the Commission received notification of a proposed concentration pursuant to Article 4 and following a referral pursuant to Article 4(5) of Council Regulation (EC) No 139/2004 by which the undertaking Celesio AG ("Celesio", Germany), controlled by Franz Haniel & Cie. GmbH ("Haniel", Germany), acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of the undertaking pharmexx GmbH ("pharmexx", Germany) by way of purchase of shares.
2. The business activities of the undertakings concerned are:
 - Haniel: pharmaceutical wholesale and pharmacies, trading and recycling of stainless steel scrap, office, sales of plant and warehouse equipment, supply of washroom hygiene, textile services and mats, retail;

¹ OJ L 24, 29.1.2004, p. 1.

- Celesio: pharmaceutical wholesale and retail, logistic, distribution and other services provider to pharmaceutical companies;
 - pharmexx: provider of temporary employment services, project based marketing and sales services and corresponding software solutions to pharmaceutical companies.
3. After examination of the notification, the Commission has concluded that the notified operation falls within the scope of Council Regulation (EC) No 139/2004 and of paragraph 5(b) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004².
 4. For the reasons set out in the Notice on a simplified procedure, the Commission has decided not to oppose the notified operation and to declare it compatible with the common market and with the EEA Agreement. This decision is adopted in application of Article 6(1)(b) of Council Regulation (EC) No 139/2004.

For the Commission
(signed)
Philip LOWE
Director General

² OJ C 56, 05.3.2005, p. 32.